

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 537

Pretoria, 30 March
Maart 2010

No. 33071

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS · INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICES			
Transport, Department of			
<i>General Notices</i>			
289	Airports Company Act (44/1993): The 2010/11–2014/15 Airports Company of South Africa: Regulating Committee: Permission to levy airport charges	3	33071
290	do.: The 2010/11–2014/15 Air Traffic and Navigation Services Company: Regulating Committee: Permission to levy air traffic service charges	11	33071

GENERAL NOTICES

DEPARTMENT OF TRANSPORT**No. 289****30 March 2010****The 2010/11-2014/15 AIRPORTS COMPANY OF SOUTH AFRICA****REGULATING COMMITTEE****PERMISSION TO LEVY AIRPORT CHARGES**

It is hereby published for general notice that on 19th March 2010 the Regulating Committee established by Section 11 of the Airports Company Act (Act 44 of 1993), issued in terms of Section 12 (5) of the said Act to the Airports Company the permission set out in the Schedule

**MK SIZWE****CHAIRPERSON: REGULATING COMMITTEE**

SCHEDULE

PERMISSION TO LEVY AIRPORT CHARGES FOR 2010/11 – 2014/15

In this Schedule any word or expression to which a meaning has been assigned in the Aviation Act, 1962 (Act No. 74 of 1962) or the Airports Company Act, 1993 (Act No. 44 of 1993), shall have the meaning so assigned to it, unless the context otherwise indicates.

Subject to the provisions of the Airports Company Act, 1993 (Act No. 44 of 1993), the Airports Company of South Africa (the Company) is hereby authorised to levy airport charges and conduct relevant activities from 1 April 2010 to 31 March 2015 on the following conditions:

1 Limits on airport charges

- (1) The tariff structure will be of the same mathematical format and apply under the same circumstances as immediately before the date of the issuing of this permission.
- (2) In the event of the Company contemplating modifying the structure of airport charges, the Company shall satisfy the Regulating Committee that the resultant charges will have the same material effect as the conditions on airport charges of this permission.
- (3) Notwithstanding subsection (5), the Company shall submit annually to the Committee a report on the implementation of the adjusted tariff structure.

(4)

(a) The Company may during the period of validity of this permission alter the level of airport charges to the maximum limit set by the following formula:

$$RWPTI_t \leq (CPI_t - X_t + CF_t) + K_t$$

Where:

- $RWPTI_t$ = the sum of the revenue weighted percentage tariff increases in year t
- CPI_t = the CPI forecast at the beginning of period t for the period t
- X_t = the subtractive X factor for year t set out in subsection (c)
- K_t = the K factor for year t set out in subsection (d)

$$CF_t = (CPI_{t-2} - X_{t-2} + CF_{t-2} - (RWPTI_{t-2} - K_{t-2})) \times (1 + Pr_{t-2})$$

Where

- CPI_{t-2} = actual CPI for the year $(t - 2)$
- Pr_{t-2} = predominant prime overdraft rate in year $(t - 2)$
- $RWPTI_{t-2}$ = the sum of the permitted revenue weighted percentage tariff increases in year $(t-2)$

The Regulating Committee may, in exceptional circumstances only, implement a further regulatory adjustment to tariffs, where it deems such an adjustment necessary in fulfilling its duties per the Airports Company Act, 1993 (Act No. 44 of 1993).

(b) The CPI as determined by the independent forecast for the Regulating Committee shall be:

5.8%	in financial year 2010/11
5.1%	in financial year 2011/12
5.7%	in financial year 2012/13
5.5%	in financial year 2013/14
5.6%	in financial year 2014/15

The Regulating Committee will provide an independently obtained forecast CPI each year by November prior to the period to which the tariff increases relate for use by the Company in calculating the tariff increases for that period.

(c) X shall be:

-14.9%	in financial year 2010/11
-20.5%	in financial year 2011/12
-10.5%	in financial year 2012/13
0%	in financial year 2013/14
0%	in financial year 2014/15

The Committee has included an efficiency component per annum in the X factor of 3% for 2010/11 year end, 2.5% for 2011/12 year end, 2% for 2012/13 and 0% for the rest of the periods.

In arriving at the X factors for the Permission period, the Committee has taken into consideration the permission application presented by the Company including, *inter alia*, the anticipated traffic volumes, capital expenditure and cost efficiencies as well as the rates of return anticipated.

In estimating a reasonable rate of return for the Company, the Committee has taken into consideration the various economic and market indicators, including bond yields, market risk premiums, the industry risk profile, cost of debt and ideal gearing levels, as well as factors specifically applicable to the Company.

Based on the above, the Committee estimates that a reasonable commercial rate of return for the Company should approximate a 3.2% premium to the risk free rate, on average,

over the permission period. This estimate incorporates the risk-reward associated with an anticipated non-aeronautical component of approximately 40% to 46% of total revenue over the permission period.

Clearly, the rate of return is only one of several considerations in applying the price-cap regulation and factors such as actual inflation, capital expenditure, cost efficiencies and traffic volumes would affect the anticipated returns.

(d) K factor

The K factor provides for extraordinary or especially lumpy once-off capital expenditures which are so extensive that they can neither be financed under the terms of the permission in place nor, for strategic reasons, delayed until the next permission. Similarly, where a major capital expenditure programme is significantly curtailed or cancelled, a negative K factor may be required.

At the time of publishing this permission, the K factor is set at nil.

If such circumstances arise during the period of this permission that the Regulating Committee deems it necessary and appropriate, a K factor may be published by the Regulating Committee during the period of this permission.

(e) Correction factor

The performance of the Company for the 2008/9 financial year has been considered. A positive correction factor of 20% has been allowed in respect of this financial year.

(f) Base tariffs

The increase determined as set out in section 1 (4) (a) to (e) of this Schedule for the financial year 2010/11 shall be applied to the tariffs set out in Annexure A. As a result of the delay in publication of this Schedule, the Company is permitted to increase its tariffs for the remaining portion of the financial year in excess of the maximum limit set out provided that the revenue weighted percentage tariff increase for the full financial year 2010/11 does not exceed the maximum limit set out above.

(g) Regulatory Asset Base

In arriving at the X factors for the Permission period, the Committee has applied the principles for the valuation and implementation of the Regulatory Asset Base as published by the Committee in the Approach Document dated April 2009.

- (5) The Company shall furnish the Regulating Committee with such information as may be agreed upon from time to time. In the absence of such agreement any information as may be requested by the Regulating Committee in order to enable the Committee to apply the conditions of this permission.
- (6) Notwithstanding subsection (5), the Company shall submit annually to the Committee a detailed audited variance analysis report, including key performance indicators, setting out how the main underlying assumptions of the business plan on which this permission is based compare to actual events. In addition, the Company shall furnish an audited certificate setting out the actual revenue weighted percentage tariff increase for the period.

- (7) The Regulating Committee expects the Company to set its total revenues such that it reflects an efficient underlying total cost base and a reasonable profit margin.

It also encourages the Company to exercise a degree of restraint in implementing its tariff increases where it anticipates that excessive profits will be generated.

The tariff increases implemented should be fairly balanced between the users (i.e. passengers and airlines). The revenue weighted percentage tariff increase applied to passengers may not exceed the revenue weighted percentage tariff increase applied to airlines.

2 Service Standards

- (1) The Company shall maintain the level of service of any relevant activity at the same level or higher as that provided immediately before the date of the issuing of this permission. Provided that the Company may alter a level of service only if –
- (a) the Company has applied to the Regulating Committee for the approval of such an alteration;
 - (b) the Company has satisfied the Regulating Committee that such an alteration will not materially affect users of any such relevant activity.
- (2) The Company shall be responsible for the monitoring on a regular basis of those relevant activities at Company airports as may be agreed from time to time between the Company and the Regulating Committee. In the absence of such an agreement, the Regulating Committee shall determine those relevant activities at Company airports to be monitored. The Company shall report the results of such monitoring to the Regulating Committee in the format and at such intervals as the Committee may prescribe from time to time.

Signed at Pretoria on the 26th day of March 2010



M.K. Sizwe

CHAIRPERSON REGULATING COMMITTEE

ANNEXURE A

The tariffs to which the revenue weighted percentage tariff increase for the financial year 2010/11 may be applied are set out below.

AIRPORT CHARGES: LANDING CHARGES

1. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of that aircraft was within the Republic:

Maximum certificated mass in kg of the aircraft up to and including:-	Per single landing VAT Exclusive R
500	33.18
1 000	49.19
1 500	62.88
2 000	75.94
2 500	89.63
3 000	103.31
4 000	144.19
5 000	183.97
6 000	224.18
7 000	265.68
8 000	305.70
9 000	343.96
10 000	386.34
and thereafter, for every additional 2 000 kg or part thereof	58.42

2. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of that aircraft was within Botswana, Lesotho, Namibia or Swaziland:

Maximum certificated mass in kg of the aircraft up to and including:-	Per single landing VAT Exclusive R
500	37.41
1 000	57.97
1 500	81.91
2 000	103.74
2 500	125.99
3 000	148.86
4 000	202.77
5 000	256.07
6 000	308.89
7 000	363.01
8 000	415.62
9 000	468.47
10 000	522.58
and thereafter, for every additional 2 000 kg or part thereof	86.85

3. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of that aircraft was within the State of territory other than those mentioned in paragraph 1 or 2:

Maximum certificated mass in kg of the aircraft up to and including:-	Per single landing VAT Exclusive R
500	41.73
1 000	66.95
1 500	100.75
2 000	131.12
2 500	162.15
3 000	194.00
4 000	261.82
5 000	327.93
6 000	393.37
7 000	459.92
8 000	525.14
9 000	591.89
10 000	658.84
and thereafter, for every additional 2 000 kg or part thereof	115.28

AIRPORT CHARGES: PARKING CHARGES

Maximum certificated mass in kg of the aircraft up to and including:-	Per 24 hours or part thereof VAT Exclusive R
2 000	25.08
3 000	51.58
4 000	73.44
5 000	100.83
10 000	148.47
15 000	195.22
20 000	246.09
25 000	293.75
50 000	388.59
75 000	483.66
100 000	579.88
150 000	729.50
200 000	880.30
300 000	1 006.45
400 000	1 267.63
and thereafter, for every additional 100 000 kg or part thereof	195.22

AIRPORT CHARGES: PASSENGER SERVICE CHARGES

	VAT Exclusive R
1. Passenger service charge per embarking passenger where such passengers will disembark from the aircraft at an airport within the Republic	42.61
2. Passenger service charge per embarking passengers where such passengers will disembark from the aircraft at an airport within Botswana, Lesotho, Namibia or Swaziland	88.35
3. Passenger service charge per embarking passenger where such passengers will disembark from the aircraft within any State or territory other than those mentioned in paragraphs 1 and 2	116.42

All definitions and clauses set out in general notice 1669 of 2009: Publication of airport charges dated 30 December 2009 will continue to apply.

No. 290

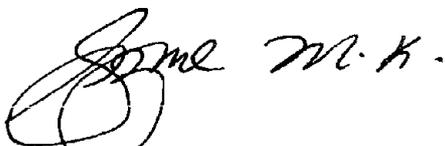
30 March 2010

**The 2010/11-2014/15 AIR TRAFFIC AND NAVIGATION
SERVICES COMPANY**

REGULATING COMMITTEE

PERMISSION TO LEVY AIR TRAFFIC SERVICE CHARGES

It is hereby published for general notice that on 19th March 2010 the Regulating Committee established by Section 11 of the Airports Company Act (Act 44 of 1993), issued in terms of Section 11 (5) of the ATNS Company Act (Act No 45 of 1993), to the ATNS Company the permission set out in the Schedule.



MK SIZWE

CHAIRPERSON: REGULATING COMMITTEE

SCHEDULE

PERMISSION TO LEVY AIR TRAFFIC SERVICE CHARGES FOR 2010/11 – 2014/15

In this Schedule any word or expression to which a meaning has been assigned in the Aviation Act, 1962 (Act No. 74 of 1962) or the ATNS Company Act, 1993 (Act No. 45 of 1993), shall have the meaning so assigned to it, unless the context otherwise indicates.

Subject to the provisions of the ATNS Company Act, 1993 (Act No. 45 of 1993), the ATNS Company (the Company) is hereby authorised to levy air traffic services charges, provide air navigation infrastructure and conduct air traffic services and air navigation services from 1 April 2010 to 31 March 2015 on the following conditions:

1 Limits on air traffic service charges

- (1) The tariff structure will be of the same mathematical format and apply under the same circumstances as immediately before the date of the issuing of this permission.
- (2) In the event of the Company contemplating modifying the structure of airport charges, the Company shall satisfy the Regulating Committee that the resultant charges will have the same material effect as the conditions on airport charges of this permission.
- (3) Notwithstanding subsection (5), the Company shall submit annually to the Committee a report on the implementation of the adjusted tariff structure.

(4)

(a) The Company may during the period of validity of this permission alter the level of air traffic service charges to the maximum limit set by the following formula:

$$RWPTI_t \leq (CPI_t - X_t + CF_t) + K_t$$

Where:

$RWPTI_t$ = the sum of the revenue weighted percentage tariff increases in year t

CPI_t = the CPI forecast at the beginning of period t for the period t

X_t = the subtractive X factor for year t set out in subsection (c)

K_t = the K factor for year t set out in subsection (d)

$$CF_t = (CPI_{t-2} - X_{t-2} + CF_{t-2} - (RWPTI_{t-2} - K_{t-2})) \times (1 + Pr_{t-2})$$

Where

CPI_{t-2} = actual CPI for the year $(t - 2)$

Pr_{t-2} = predominant prime overdraft rate in year $(t - 2)$

$RWPTI_{t-2}$ = the sum of the revenue weighted percentage tariff increases in year $(t - 2)$

The Regulating Committee may, in exceptional circumstances only, implement a further regulatory adjustment to tariffs, where it deems such an adjustment necessary in fulfilling its duties per the ATNS Company Act, 1993 (Act No. 45 of 1993).

(b) The CPI as determined by the independent forecast for the Regulating Committee shall be:

5.8% in financial year 2010/11

5.1% in financial year 2011/12

5.7% in financial year 2012/13

5.5% in financial year 2013/14

5.6% in financial year 2014/15

The Regulating Committee will provide an independently obtained forecast CPI each year by November prior to the period to which the tariff increases relate for use by the Company in calculating the tariff increases for that period.

(c) X shall be:

-20.0% in financial year 2010/11

-1.5% in financial year 2011/12

0.0% in financial year 2012/13

0.0% in financial year 2013/14

0.0% in financial year 2014/15

The Committee has not included an efficiency component in the X factor.

In arriving at the X factors for the Permission period, the Committee has taken into consideration the permission application presented by the Company including, *inter alia*, the anticipated traffic volumes, capital expenditure and cost efficiencies as well as the rates of return anticipated.

In estimating a reasonable rate of return for the Company, the Committee has taken into consideration the various economic and market indicators, including bond yields, market risk premiums, the industry risk profile, cost of debt and ideal gearing levels, as well as factors specifically applicable to the Company.

Based on the above, the Committee estimates that a reasonable rate of return for the Company should approximate a 2.9% premium to the risk free rate on average over the period of the permission.

Clearly, the rate of return is only one of several considerations in applying the price-cap regulation and factors such as actual inflation, capital expenditure, cost efficiencies and traffic volumes would affect the anticipated returns.

(d) K factor

The K factor provides for extraordinary or especially lumpy once-off capital expenditures which are so extensive that they can neither be financed under the terms of the permission in place nor, for strategic reasons, delayed until the next permission. Similarly, where a major capital expenditure programme is significantly curtailed or cancelled, a negative K factor may be required.

At the time of publishing this permission, the K factor is set at nil.

If such circumstances arise during the period of this permission that the Regulating Committee deems it necessary and appropriate, a K factor may be published by the Regulating Committee during the period of this permission.

(e) Correction factor

The performance of the Company for the 2008/9 financial year has been considered. A positive correction factor of 10% has been allowed in respect of this financial year.

(f) Base tariffs

The increase determined as set out in section 1 (4) (a) to (e) of this Schedule for the financial year 2010/11 shall be applied to the tariffs set out in Annexure A. As a result of the delay in publication of this Schedule, the Company is permitted to increase its tariffs for the remaining portion of the financial year in excess of the maximum limit set out provided that the revenue weighted percentage tariff increase for the full financial year 2010/11 does not exceed the maximum limit set out above.

(g) Regulatory Asset Base

In arriving at the X factors for the Permission period, the Committee has applied the principles for the valuation and implementation of the Regulatory Asset Base as published by the Committee in the Approach Document dated April 2009.

- (5) The Company shall furnish the Regulating Committee with such information as may be agreed upon from time to time. In the absence of such agreement any information as may be requested by the Regulating Committee in order to enable the Committee to apply the conditions of this permission.
- (6) Notwithstanding subsection (5), the Company shall submit annually to the Committee a detailed audited variance analysis report, including key performance indicators, setting out how the main underlying assumptions of the business plan on which this permission is based compare to actual events. In addition, the Company shall furnish an audited certificate setting out the actual revenue weighted percentage tariff increase for the period.

(7) Other issues

In the interest of a more equitable balance amongst all stakeholders, the phasing out of origin-destination differentiation over 10 years as set out in section 10.14 of Notice 145 of 2006: Publication of Air Traffic Service Charges (published by the Company on 3 February 2006) will continue to be applied.

(8) The Regulating Committee expects the Company to set its total revenues such that it reflects an efficient underlying total cost base and a reasonable profit margin.

It also encourages the Company to exercise a degree of restraint in implementing its tariff increases where it anticipates that excessive profits will be generated.

2 Service Standards

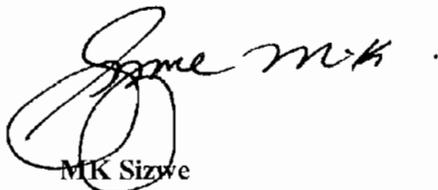
(1) The Company shall maintain the level of service of any relevant activity at the same level or higher as that provided immediately before the date of the issuing of this permission. Provided that the Company may alter a level of service only if –

(a) the Company has applied to the Regulating Committee for the approval of such an alteration;

(b) the Company has satisfied the Regulating Committee that such an alteration will not materially affect users of any such relevant activity.

(2) The Company shall be responsible for the monitoring on a regular basis of the level of any air traffic service or any air navigation service, as may be agreed from time to time between the Company and the Regulating Committee. In the absence of such an agreement, the Regulating Committee shall determine the air traffic service and air navigation service to be monitored. The Company shall report the results of such monitoring to the Regulating Committee in the format and at such intervals as the Committee may prescribe from time to time.

Signed at Pretoria on this 26th Day March 2010



MK Sizwe

CHAIRPERSON: REGULATING COMMITTEE

ANNEXURE A

The tariffs to which the revenue weighted percentage tariff increase for the financial year 2010/11 may be applied are set out below.

AIR TRAFFIC SERVICE CHARGES: TARIFF FORMULAS AND COEFFICIENTS

1. An air traffic service charge is composed of the sum of VC, BSC and FC for each discrete Aerodrome, TMA Access and Area movement undertaken, according to the following mass categories and locations:

Main Mass Category	Cost Component	Formulas & Coefficients		
		Aerodrome Charge	TMA Access Charge	Area Charge
FAJS 5 000 kg	VC	R16.37	R16.37	
	BSC	R66.49/10 000.MCM	R66.49/10 000.MCM	
	FC	R35.08	R64.81	
5 000 kg < MCM ≤ 15 000 kg	VC	R16.37	R16.37	R16.37
	BSC	R66.49/10 000.MCM	R66.49/10 000.MCM	R66.49/10 000.MCM
	FC	R70.17/10 000.MCM	R12.96/1000.MCM	R9.30/100 000.MCM.d
> 15 000 kg	VC	R16.37	R16.37	R16.37
	BSC	R81.42/100.√MCM	R81.42/100.√MCM	R81.42/100.√MCM
	FC	R85.95/100.√MCM	R158.76/100.√MCM	R113.96/10 000.√MCM.d

2. Each Rand-value coefficient in the table above is multiplied by:

- (a) 85% for a domestic flight;
- (b) 100% for a regional flight; and
- (c) 115% for an international flight,

except in the case of FCs for Aerodrome and TMA Access Charges at FAJS for aircraft with $MCM \leq 5\,000$ kg where the coefficient as stated in the table applies.

All definitions and clauses set out in general notice 228 of 2009: Publication of air traffic service charges dated February 2009 will continue to apply.